

REMARKS

Claims 37-41, as amended, and new claims 51-59 now appear in this application for the Examiner's review and consideration. Claim 37 has been amended to further define the invention as described more fully below. Claims 1-36 and 42-50 have been cancelled without prejudice to applicants' rights to file one or more divisional applications for the subject matter of those claims. The new claims are directed to preferred embodiments of the elected invention and are supported by the specification and prior claims. No new matter has been introduced.

The Examiner's withdrawal of claims 40-41 is respectfully traversed. As these claims depend from an elected claim they should be allowed when claim 37 is allowed. Thus, these claims have not been canceled although they have been amended to be consistent with claim 37.

Claims 37-39 were rejected as being anticipated by US patent 5,537,763 to Donnadieu. That patent discloses a flexible sports boot that includes a closing system, provided with a device for memorizing its tightening tension. The device includes an opening and closing system for lacing comprising a link forming a closed circuit integrating tightening and latching device and connecting to each other, along a predetermined path, a series of return elements located in a fixed manner on either side of the quarters of upper. The opening and closing system of the upper includes, in addition, a progressive adjustment device for relocating an optimum reference tightening tension of link, during its latching command. The adjustment device is independent of the tightening and latching device so as to enable the memorizing of the reference tightening tension. This tightening is undertaken only by the tightening and latching device, which can be rendered detachable from a fixed complementary gripping portions obtained on upper, so as to obtain a greater unlacing amplitude of link during opening, without affecting the adjustment of its memorized reference tension.

In contrast, claim 37 now recites that at least one lace end tightening device is affixed to the footwear for accommodating an end portion of the lace to provide for adjustments to the tension of the lace; with this tightening device comprising a twist-tightening mechanism for engagement by the user; a threaded member associated the mechanism configured for mating engagement with the end of the lace that has the threads; a structure associated with the threaded member for resisting rotation when not desired; and an end section for mounting to the footwear article. Thus, rotation of the twist-tightening device tightens or loosens the lace to facilitate

adapting of the article of footwear to the user's foot. Donnadieu does not include any structure that is similar to this and for that reason cannot anticipate the present claims. In particular, Donnadieu does not disclose or teach a structure associated with the threaded member for resisting rotation when not desired as his "mauevering button" is always rotatable. Thus, the rejection based on Donnadieu has been overcome and should be withdrawn.

Accordingly, the entire application is now believed to be in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicants' position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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